

REMARKS

Claims 1-37 are pending in the above-identified application.

In the Office Action of October 9, 2003, claims 1-37 were rejected, and various objections to informalities in the claims and the specification were raised.

In this Amendment, claims 1-37 are cancelled and claims 38-50 are added. Accordingly, claims 38-50 are at issue in the above-identified application. Applicants believe that no new matter has been added.

I. Objection to Drawings

The Examiner objected to the drawings, indicating that Figure 1 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Applicants respectfully traverse this objection.

Pursuant to 37 C.F.R. § 1.121(d), enclosed is a copy of Figure 1 and 3 with red ink markings showing the requested proposed changes. Accordingly, Applicants respectfully request withdrawal of this objection.

II. Objection to Specification

Applicants have amended the specification to correct for some informalities.

The title of the invention was objected to for not being descriptive. Applicants have amended to title so as to be more descriptive.

Accordingly, Applicants respectfully request withdrawal of any objection to the specification.

III. Objection to Claims

Claims 3, 7, 10, 14, 17, 21, 24, 28, 31, 35, 36 and 37 have been cancelled.

Accordingly, Applicants respectfully submit that this objection is moot and that it be withdrawn.

IV. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 1-37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection.

Claims 1-37 have been cancelled. It is submitted that this rejection is moot. Accordingly, Applicants respectfully request withdrawal of these rejections. In any event, the objections were taken into consideration in the new claims and it is believed that such objections do not apply to the new claims.

V. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1, 8, 15, 22, and 29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Isaka et al. (U.S. Patent No. 5,936,347). Applicants respectfully traverse this rejection.

Regarding newly submitted claims 38-50, independent claims 38-44 recite at least one of the following two features: (1) the optical distance is set to the positive minimum value in order to reduce the dependency of the view angle, and (2) the color filter is included in order to reduce the reflectance.

None of prior references disclose or suggest to optimize the optical distance of cavity portion in such a manner to set to the positive minimum value or satisfy the equations cited in the present invention. Further, none of the prior art references fairly suggests this optimization in combination with the inclusion of the color filter as set forth in some of the claims.

Accordingly, Applicants respectfully request withdrawal of this rejection.

VI. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 2-4, 6, 7, 9-11, 13, 14, 16-18, 20, 21, 23-25, 27, 28, 35 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xu et al. (U.S. Patent No. 6,133,692). Applicants respectfully traverse this rejection.

Regarding newly submitted claims 38-50, none of prior references suggest any motivation for, or the desirability of, the changes espoused here by the Examiner.

The present invention discovered that the dependency of the view angle is reduced as light-emission spectrum lies within the half of the half-value width of the internal light-emission spectrum and is constructed to accommodate the fluctuation of L from the minimum value in a display device in case L is not equal to the positive minimum value due to the slight deviation from the set value.

Xu et al. did not disclose how to overcome the fluctuation of L from the minimum value in the display device or the dependency of the view angle.

Applicants respectfully submit that a prima facie case of obviousness was not established. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the

modification.” In re Fritch, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (citing In re Gordon, 733 F.2d 900, 902 (Fed. Cir. 1984)). Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 5, 12, 19, 26, and 30-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Isaka et al. (U.S. Patent No. 5,936,347) in view of Xu et al. (U.S. Patent No. 6,133,692). Applicants respectfully traverse this rejection.

Applicants respectfully disagree with the Examiner that it would have been obvious to combine the teachings of the prior art of the Applicants' specification. The present invention further provides the second electrode in the cavity portion and is directed to overcome the limitation of the film thickness by setting the second electrode to the cavity portion to control the film thickness.

Isaka et al. and Xu et al. teach away that the cavity length is controlled by adjusting the film thickness of the ITO. However, it is known that the surface of the ITO is coarse and when the organic layer laminated with ITO as in cited references, the organic layer can not be uniformly formed due to this coarseness. On the contrary, the present invention is constructed in a manner that the ITO layer is independent from the cavity portion in the organic layer. Therefore, even if the film thickness of the ITO is slightly fluctuated due to the coarseness of the surface, the resonance cavity of the second electrode can provide the sufficient thickness to overcome the problem.

As such, it would not have been obvious to an artisan of ordinary skill in the art to combine the teachings of the prior art of the Applicants' specification with those of Isaka et al.

and Xu et al. to derive claims. Accordingly, Applicants respectfully request withdrawal of this rejection.

VII. Conclusion

In view of the above amendments and remarks, Applicants submit that all of claims 38-50 are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect.

Respectfully submitted,

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